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Date: January 18, 2002

By: Lynnea B. Anderson

Attorney Docket No. 37167-8006.US06

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7

IN RE APPLICATION OF:

Edwards

SERIAL No.: 09/459,385

FILED: December 2, 1999

FOR: **RF TREATMENT APPARATUS**

EXAMINER: Peffley

ART UNIT: 3739

Terminal Disclaimer

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Rita Medical Systems, Inc. (formerly ZoMed International, Inc.), Assignee of

- ☐ an undivided share of the entire right, title, and interest  
☒ the entire right, title and interest

in the above-identified patent application by virtue of an Assignment recorded in the U.S. Patent and Trademark Office, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 to §156 and §173, as presently shortened by any terminal disclaimer, of

U.S. Patent No. 5,935,123 Issued August 10, 1999 to Edwards et al.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents and/or patent applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §154 to §156 and §173 of the above-listed patents and/or applications, as presently shortened by any terminal disclaimer, in the event that said patent(s)/application(s) later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner

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terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. Authority of Undersigned

The undersigned is an attorney or agent of record.

2. Fee Payment

- ☒ Please charge the Terminal Disclaimer fee under 37 CFR 1.20 (\$55.00), and any other fee necessary for entry of this Terminal Disclaimer, to Deposit Account 50-0665.

Respectfully submitted,

*Jacqueline F. Mahoney*

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Date: January 18, 2002

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